

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

PATRICK ARNOLD WHITE, SR.,
TDCJ #827179,

Plaintiff,

v.

PRESIDENT BARACK OBAMA, *et al.*,

Defendants.

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CIVIL ACTION NO. H-11-2572

ORDER OF DISMISSAL

Patrick Arnold White, Sr. (TDCJ #827179), is currently incarcerated in the Texas Department of Criminal Justice - Correctional Institutions Division (collectively, “TDCJ”). White has filed a *pro se* civil rights complaint under 42 U.S.C. § 1983 against President Barack Obama, President George W. Bush, Presidential Candidate John McCain, Texas Governor Rick Perry, former Houston Mayor Bill White, and current Houston Mayor Annise Parker. White, who claims that these defendants have engaged in a conspiracy to defraud the United States, requests leave to proceed *in forma pauperis*. After reviewing all of the pleadings, and White’s litigation history, the Court **dismisses** this case for reasons that follow.

Court records reflect that, while incarcerated, White has previously filed at least four civil actions that have been dismissed as frivolous or for failure to state a claim upon which relief can be granted: (1) *White v. Fenner, et al.*, Civil No. 5:00cv323 (W.D. Tex. April 3, 2001); (2) *White v. State of Texas, et al.*, Civil No. 5:10cv83 (W.D. Tex. March 31, 2010); (3) *White v. Texas Department of Criminal Justice, et al.*, Civil No. 4:10cv1625 (S.D. Tex.

May 11, 2010); and (4) *White v. Garcia, et al.*, Civil No. 2:10cv137 (N.D. Tex. Aug. 12, 2010). Because of his record of filing frivolous lawsuits, other courts have found that White is barred from proceeding as a pauper under the “three-strikes rule.” *See White v. United States of America, et al.*, Civil No. 2:10cv0258 (N.D. Tex. Nov. 9, 2010); *White v. Livingston, et al.*, Civil No. 2:11cv0102 (N.D. Tex. May 27, 2011).


Under the three-strikes rule established by the Prison Litigation Reform Act (the “PLRA”), a prisoner is not allowed to bring a civil action *in forma pauperis* in federal court if, while incarcerated, three or more of his civil actions or appeals have been dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(g); *Adepegba v. Hammons*, 103 F.3d 383, 385 (5th Cir. 1996). Because White has more than three strikes against him, he may not proceed *in forma pauperis*, and his complaint is subject to dismissal, unless the pleadings show that he is in imminent danger of serious physical injury. *See* 28 U.S.C. § 1915(g); *Banos v. O’Guin*, 144 F.3d 883, 884 (5th Cir. 1998). White’s pleadings do not demonstrate such a danger. In that regard, the complaint is incoherent, fanciful, delusional, and therefore subject to dismissal as factually frivolous. *See Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992) (quoting *Neitzke v. Williams*, 490 U.S. 319, 325, 328 (1989)). For this reason, the Court will not grant permission to proceed *in forma pauperis* and will dismiss the complaint.

Accordingly, the Court **ORDERS** as follows:

1. The plaintiff's motion for leave to proceed *in forma pauperis* [Doc. # 2] is **DENIED**.
2. This case is **DISMISSED** as barred by 28 U.S.C. § 1915(g). Alternatively, the complaint is **DISMISSED** with prejudice as frivolous.

The Clerk will provide copies of this order to the parties; to the TDCJ - Office of the General Counsel, P.O. Box 13084, Capitol Station, Austin, TX 78711, Fax 512-936-2159; and to the Clerk of the United States District Court for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas, 75702, Attention: Manager of the Three-Strikes List.

SIGNED at Houston, Texas, on July 15, 2011.



Nancy F. Atlas
United States District Judge